

## REMARKS

In the Office Action mailed August 25, 2004, the Examiner noted that claims 15, 28, 39, and 45-50 were pending, and rejected claims 15, 28, 39, and 45-50. Claims 45-47 have been amended, and, thus, in view of the forgoing claims 15, 28, 39, and 45-50 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

Page 2 of the Office Action rejects claims 15, 28, 39 and 48-50 under 35 U.S.C. § 103 over Bessho combined with Naoi.

The present application is a divisional application of parent U.S. application serial no. 08/909,137 filed on August 11, 1997 and that issued on May 1, 2001. The parent application claims priority to Japanese application JP 08-342185 filed on December 20, 1996. As a result, the present application is entitled to a filing date and an invention date of at least December 20, 1996. US patent 5,898,795 to Bessho issued on April 27, 1999 based on an application filed on December 9, 1996. US patent 5,907,630 to Naoi issued on May 25, 1999 based on an application filed on August 6, 1996 and was a continuation of an application filed on July 7, 1994. Because Bessho and Naoi both issued after the parent application was filed, they do not qualify as prior art under 35 USC section 102(b). Because both Bessho and Naoi were applications on August 11, 1997 they do not qualify as prior art under 35 USC section 102(a). As a result, both Bessho and Naoi allegedly qualify as prior art under 35 USC section 102(e).

The present application and Naoi are commonly assigned to Fujitsu Limited. 35 USC section 103(c) prohibits an obvious rejection in this situation. The rejection of claims 15, 26, 39 and 48-50 is not valid under 35 USC section 103(c). Withdrawal of the rejection for this reason is requested.

Even if this rejection were valid, the present invention of claims 15, 28, 39 and 48-50 distinguishes over the prior art for the reasons discussed below.

Claims 15, 28 and 39 emphasize using "information about a ratio between a height and a width of the one among the one or more straight line patterns, and information about a distance between two straight line patterns" to determine whether to delete a pattern. The Examiner acknowledges that Bessho does not teach or suggest this feature and points to Naoi for this feature. Naoi at col. 16, lines 4-24 discusses area ratios of the area occupied by a pattern within a mask and the area of the mask. Area ratios are not height/width ratios and are very different comparison indicia. Naoi and Bessho do not teach or suggest using height/width ratios.

Claims 48-50 emphasize deleting a pattern "when the first straight line pattern is adjacent to a second straight line pattern among the one or more straight line patterns and a distance between the first and second straight line patterns is less than a threshold value ". The Examiner acknowledges that Bessho does not teach or suggest this and points to Naoi col. 22, line 61-col. 22, line 10 for this feature. Naoi calculates a distance between straight lines but then uses the characteristic of "outermost" part to determine what to extract. The distance itself is not used and in particular there is no comparison of the calculated distance to a threshold as called for in claims 48-50. Naoi and Bessho do not teach or suggest using a distance less than a threshold.

It is submitted that the invention of independent claims 15, 28, 39 and 48-50 distinguishes over the prior art and withdrawal of the rejection is requested.

Page 4 of the Office Action rejects claims 45-47 under 35 U.S.C. § 103 over Bessho.

Claims 45-47 emphasizes deleting a pattern "when the first straight line pattern is adjacent to a second straight line pattern among the one or more straight line patterns and a length of the first straight line pattern is less than a threshold value". The Examiner points to Bessho for this feature noting small black runs are deleted. Bessho, in cols. 11 and 12, discusses deleting black rectangles based on a size threshold and deleting black runs, r1 and r2, that are small, because they are within a predetermined distance of a black rectangle being deleted. That is, they are deleted based on distance not size (or length).

In addition, the present invention of claims 45-47, in addition to deleting straight lines, also deletes black runs ("black pixel concatenation regions" - see application, page 33, lines 4-10 and page 39, lines 10-24)). That is, the present invention not only deletes the black runs of Bessho but also deletes straight lines, something that Bessho does not do.

It is submitted that the invention of independent claims 45-47 distinguishes over the prior art of Bessho and withdrawal of the rejection is requested.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

Serial No. 09/755,182

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12/27/14

By:   
J. Randall Beckers  
Registration No. 30,358

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501